

Civil Action No. 2:09-cv-04557

Defendant Oz has not answered or otherwise pled in response to the petition, and as part of the Order appointing the Trustee and ordering the liquidation and dissolution of CAA the Court has expressly stayed any further litigation activity until the liquidation is completed.

Pursuant to liquidating CAA, a proposed asset purchase agreement (APA) will be distributed among interested parties by June 23, 2010. Following the dissemination of the APA, Trustee will use all reasonable efforts to sell assets, wind down and dissolve CAA and any issues between the parties that cannot be resolved by the Trustee will become clear at that time. In other words, it will only become clear if any issues actually require litigation in connection with the liquidation after dissemination of the APA and during the winding-down period.

Therefore, at this point, completing a case management plan, in which issues are defined and deadlines for dispositive motions, responsive pleadings, discovery and trial are established, would appear to be premature as the parties do not know what issues, if any, need to be addressed. Indeed, there is a possibility that no issues arising from the liquidation will require litigation.

Therefore, the parties suggest completing a case management plan following the sale of the CAA assets and dissolution of CAA.

Respectfully submitted on behalf of
both Plaintiff and Defendants,

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